



Rec'd PCT/PTO 05 NOV 2001  
09/868950 #3  
2565/86

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : GOLDAU, et al.  
International Application No. : PCT/EP99/10338  
International Filing Date : December 23, 1999  
U.S. Serial No. : 09/868,950  
For : **METHOD FOR DETERMINING THE  
DISTRIBUTION VOLUME OF A BLOOD  
COMPONENT DURING AN EXTRACORPOREAL  
BLOOD TREATMENT AND APPARATUS FOR  
IMPLEMENTING THE METHOD**

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Attention: DO/EO/US

**RESPONSE TO MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371**

S I R :

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (mailed July 31, 2001), Applicants submit herewith a fully executed Declaration and Figures 1-2, with drawing text properly translated, in order to complete the filing requirements for the U.S. national phase of the above-identified PCT application. The application filed in the Patent Office is the application which the inventors executed by signing the Declaration and Power of Attorney. Figures 1-2 are being submitted as a response to the Notice of Defective Translation. A copy of the Notification of Missing Requirements is also enclosed.

Applicants hereby request a two-month extension of time for responding to the Notification of Missing Requirements mailed on July 31, 2001, which set a two-month period for response. The extended period for response expires on November 30, 2001. Therefore, please charge the \$400.00 extension fee to the deposit account of Kenyon & Kenyon, deposit account number 11-0600. Please also charge the \$130.00 processing fee for providing the translation of the application later than the appropriate 30 months from the priority date to deposit account number 11-0600. Furthermore, the Office is also authorized to charge the \$130.00 fee to cover the surcharge for late filing of the Declaration.

Finally, the Office is hereby authorized to charge Deposit Account No. 11-0600 with any additional fees required by this paper or credit any overpayment. An additional copy of this letter is enclosed for this purpose.

11/30/2001 HNGUYEN 00000023 110600 09868950

01 FC:116 400.00 CH  
02 FC:156 130.00 CH  
03 FC:154 130.00 CH  
Date: 11/5/01

Respectfully submitted,

David I. Greenbaum, Reg. No. 46,739

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11-26-01

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09/868950

EXPRESS MAIL CERTIFICATE

"EXPRESS MAIL" MAILING LABEL NUMBER EL327553173US

DATE OF DEPOSIT 11/5/01

TYPE OF DOCUMENT Missing Requirements

SERIAL NO. 09/868,950 FILING DATE Herein

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE, BY BEING HANDED TO A POSTAL CLERK OR BY BEING PLACED IN THE EXPRESS MAIL BOX BEFORE THE POSTED DATE OF THE LAST PICK UP, AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Nirav Shroka

(PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Nirav Shroka

(SIGNATURE OF PERSON MAILING PAPER OR FEE)



U.S. APPLICATION NO. 09/868950	FIRST NAMED APPLICANT GOLDAU R	ATTY. DOCKET NO. 2565/86
INTERNATIONAL APPLICATION NO. PCT/EP99/10338		
I.A. FILING DATE 23 DEC 99	PRIORITY DATE 24 DEC 98	

KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

DATE MAILED:

31 JUL 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:

- ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.  | <input type="checkbox"/> Indication of Small Entity Status.                                    |
| <input checked="" type="checkbox"/> Copy of the international application.  | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s).   | <input type="checkbox"/> Translation of Article 19 amendments into English.                    |
| <input type="checkbox"/> Copy of Article 19 amendments.   | <input type="checkbox"/> Other:  |
| <input type="checkbox"/> Priority Document.   |  |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any.     |  |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. |  |

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KENYON & KENYON  
ONE BROADWAY  
NEW YORK, N.Y.  
AUG 2 10 33 AM '01

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed: ☐ PCT/DO/EO/917 ☒ Notice of Defective Translation  
☐ PTO-875 ☐ PCT/DO/EO/920

#3



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.

09/868950

ATTACHMENT TO FORM PCT/DO/EO/

905

**NOTICE OF DEFECTIVE TRANSLATION**

The received translation is defective because:

- ☒ (1) The text in the drawings has not been properly translated;
- ☐ (2) The number of claims in the International Application and the number of claims in the translation are not the same;
- ☐ (3) The translation of the International Application is incomplete as a number of pages are missing;
- ☐ (4) Other.

John Anderson

Telephone: 703-308-9116

A handwritten signature in dark ink, appearing to be "JA" or "John Anderson", written over a horizontal line.